

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TYLER ANTHONY VALDEZ,

Plaintiff,

-v-

8:21-CV-1243

RUTH WILLIAMSON and
CITIZENS ADVOCATE,

Defendants.

APPEARANCES:

TYLER ANTHONY VALDEZ
Plaintiff, Pro Se
2091 County Route 38
Norfolk, NY 13667

BARCLAY DAMON LLP
Attorneys for Defendants
80 State Street
Albany, NY 12207

DAVID N. HURD
United States District Judge

OF COUNSEL:

BENJAMIN WILKINSON, ESQ.

ORDER ON REPORT & RECOMMENDATION

On November 18, 2021, *pro se* plaintiff Tyler Valdez (“plaintiff”) filed this action alleging that defendants violated his rights under the Americans with Disabilities Act. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. No. 2.

On December 17, 2021, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff's IFP application and advised by Report & Recommendation ("R&R") that the complaint be dismissed with leave to replead. Dkt. Nos. 6, 7.

Plaintiff has filed an objection, Dkt. No. 9, which has been fully briefed, Dkt. No. 10. Upon *de novo* review of plaintiff's objection, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

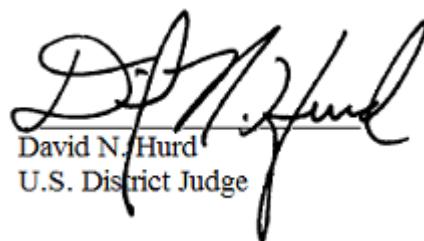
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED with leave to replead within 30 days from the date of this Order in accordance with the instructions set forth in Judge Stewart's Report & Recommendation; and
3. Failure to do so within the allotted time period shall result in the entry of a judgment of dismissal without further Order of this Court.

IT IS SO ORDERED.

Dated: January 6, 2022
Utica, New York.



David N. Hurd
U.S. District Judge